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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,635	12/12/2001	Manfred Atorf	PHDE 000224	9236

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EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,635	Applicant(s) ATORF, MANFRED	
	Examiner BINH K. TIEU	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/26/05 has been entered.

Specification

2. The Headings for each of sections in the Specification are required.
The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.

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- (1) Field of the Invention.
- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US Pat. #: 6,671,506).

Regarding claim 1, Lee teaches a method of operating a telecommunication system that enables operation of a mobile telephone at different user rates that are dependent on the instantaneous location (i.e., first rate or second rate dependent on location of terminal 150 in either home zone or outside of home zone, col.5, lines 15-52), characterized in that a local fixed station (i.e., a home zone signal generator 100 as shown in figure 4) at the user end transmits a first signal of limited range that is received by a mobile telephone (i.e., terminal 150 receives or senses of signal generated from the home zone signal generator) that is associated with the fixed

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station, that is, provided that this mobile telephone is within the range of the transmission signal (col.4, lines 24-30), and that the mobile telephone transmits that it received the first signal via a second signal to a base station of the telecommunication system which switches over to a different user rate in reception of the second signal (col.4, lines 31-38).

Regarding claim 2, note col.4, lines 49-61.

Regarding claim 3, note col.4, line 62 through col.5, line 14.

Regarding claims 4-5, note col.5, lines 15-35 and lines 53-62.

Regarding claim 6, note col.5, line 37-43.

Regarding claim 7, note col.7, lines 6-9.

Regarding claims 8-9, note col.5, lines 4-14 and col.7, lines 45-55.

Regarding claim 10, Lee teaches a system comprising: a mobile radio network with at least one base station as well as a mobile telephone that can operate within the mobile radio network (i.e., mobile radio network as shown in figure 4), and a local fixed station that is provided at the user end and is associated with the mobile telephone (i.e., a home zone signal generator 100 and terminal 150), where

- the fixed station includes a transmission means for transmitting a first signal of the limited range (col.3, line 66 through col.4, line 5),
- the mobile telephone includes a receiving means for the first signal (col.4, lines 24-30),
- the mobile telephone includes a transmission means for a second signal that is to be transmitted to the base station in response to the reception of the first signal, and the base station includes means for switching over, in response to the reception of the

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second signal, from a first to a second user rate for the use of the mobile radio network by the mobile telephone (col.4, line 30-36 and col.5, lines 15-52).

Regarding claim 11, note col.4, lines 42-61.

Regarding claim 12, note col.4, line 62 through col.5, line 14.

Regarding claims 13-14, note col.5, lines 15-35 and lines 53-62.

Regarding claim 15, note col.5, line 37-43.

Regarding claim 16, note col.7, lines 6-9.

Regarding claims 17-18, note col.5, lines 4-14 and col.7, lines 45-55.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Pat. #: 6,671,506).

Regarding claims 19 and 26, Lee teaches the home zone signal generator 100 to be used and located in a house as household appliance (see figure 4, col.1, lines 37-47). It should be understood that the home zone signal generator 100 could be supplied power from either batteries or AC power supply household outlet. Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made in corporate the use of supplying the

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home zone signal generator 100 with AC supply source from a household AC power supply outlet in order to constantly provide power to its performance.

7. Claim 20-25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Pat. #: 6,671,506) in view of Vucetic et al. (US Pat. #: 5,819,177).

Regarding claims 20-22 and 27-29, Lee teaches all limitations of the fixed station. Lee fails to clearly teach the features of receiving and comparison mean for an access code and enabling the fixed station upon interruption of the power supply, which are common and well-known features. Vucetic et al. (Vucetic) teaches WLL OAMPC 80 as shown in figures 6 and 7. An operator can reset the WLL OAMPC 80 with correct entered access code (i.e., user identifier, password, or the like, col.9, lines 61 through col.10, line 5) for a purpose of securities.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made in corporate the use of the features of receiving and comparison mean for an access code and enabling the fixed station upon interruption of the power supply, as taught by Vucetic, into view of Lee in order to prevent unauthorized user from access to the fixed station.

Regarding claim 23, Lee teaches a fixed station (i.e., a home zone signal generator 100) comprising a transmission means for transmitting an encoded radio signal of limited range (col.4, line 42 through col.5, line 14).

It should be noticed that Lee fails to clearly teach said fixed station further comprising receiving and comparison means for an access code that is to be applied to a fixed station, via a mobile telephone, in order to put the fixed station into operation. However, Vucetic teaches the concept of receiving a correct password input from an operator to activate a WLL OAMPC 80 (col.9, lines 61 through col.10, line 5) for a purpose of reboot, reset and/or securities.

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Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made in corporate the use of the features of receiving and comparison mean for an access code and enabling the fixed station upon interruption of the power supply, as taught by Vucetic, into view of Lee in order to prevent unauthorized user from access to the fixed station.

Regarding claim 24, Lee further teaches limitations of the claim in col.5, lines 4-14 and col.7, lines 45-55.

Regarding claim 25, Lee further teaches limitations of the claim in col.4, line 62 through col.5, line 14.

Response to Arguments

8. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:
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A handwritten signature in black ink, appearing to read "Binh Tieu", with a stylized flourish extending to the right.

BINH TIEU
PRIMARY EXAMINER

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Date: December 05, 2005